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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 JACKSON GANT, et al.,

18 Defendant.

19 CASE NO. CR-06-0336 SBA

20 DECLARATION OF JAMES
21 GILLER IN SUPPORT OF
22 REQUEST FOR CONTINUANCE
23 OF THE SENTENCING DATE.

24 I, JAMES GILLER, declare:

25 1. That I am an attorney at law duly licensed to practice before this federal
26 court, and I represent the defendant in the above-entitled matter.

27 2. This matter was set originally for sentencing on September 25, 2007. At the
28 request of Charles Mabie, the matter was continued for sentencing until October 23,
2007.

29 3. I received the Probation Report from Mr. Mabie on approximately September
30 22, 2007. I then sent a copy of said Probation Report to my client, Defendant
31 JACKSON GANT who, I believed was incarcerated in the North County Jail. I went to

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1 see GANT on September 29, 2007, but found out that he had been transferred and the
2 people at the jail did not know where he was – only that he was removed by the United
3 States Marshal. I attempted to locate Mr. Gant, but it was a Saturday and I could not
4 reach anyone at the U.S. Marshal's Office who could tell me where he was. I suspected
5 that he might be at the Federal Detention Center in Dublin. I was given a telephone
6 number for them by the U.S. Marshal's Office; however, it turned out to be the wrong
7 number and no telephone number was listed for them in the telephone book.

8 4. On Sunday, September 30, 2007, I finally found the telephone number for
9 the Federal Detention Center in Dublin. I called them and was able to ascertain that
10 defendant GANT was there. I went to visit him on Sunday, September 30th, and spent
11 approximately three hours with him reviewing Mr. Mabie's Probation Report. Some
12 things were contained in the report that my client and I were not sure were accurate,
13 including GANT's prior criminal record. GANT did not think he had that many criminal
14 history points; in addition. He felt some of the periods of incarceration were not
15 accurate. Thus, I felt that I had to check out those matters before I wrote a sentencing
16 memo and had an opportunity to talk with Mr. Mabie.

17 5. On Monday, October 1, 2007, I contacted Mr. Mabie's office but he was not
18 in. I was able to reach him on Tuesday, October 2nd. I indicated to Mr. Mabie my
19 concerns and wanted to check them out. He agreed to obtain the documentation for
20 me so that I could see it.

21 6. However, the problem I have is that I have a vacation scheduled to begin
22 on Saturday, October 6, 2007. I will be out of the country and will not return until
23 October 19th, at which time I am scheduled to begin a murder trial in Alameda County
24 on October 22nd. This trial is estimated to last for at least one month. Thus, I have to
25 be prepared for that trial and also to take care of other matters upon my return.

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1 7. I will need additional time after my return from vacation to check out the
2 information concerning defendant GANT and ultimately prepare a Sentencing
3 Memorandum. Therefore, I am requesting that the sentencing be continued to
4 November 27, 2007, which will give me time to handle the case that is in trial, check out
5 the documentation that Mr. Mabie has, or is going to obtain, and prepare a Sentencing
6 Memorandum.

7 8. I have contacted the U.S. Attorney who is handling this matter, to wit, H.H.
8 Kewelramani, and Mr. Mabie with regard to the continuance; neither of them have any
9 objection to my continuing this matter for sentencing.

10 WHEREFORE, your declarant prays that this Court will grant a continuance of
11 the sentencing in this matter from October 23rd to November 27, 2007 at 10 a.m.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed at Oakland, California on October , 2007.

S/
JAMES GILLER

ORDER

20 IT IS HEREBY ORDERED that the above-entitled matter is continued for
21 sentencing from October 23, 2007 to November 27, 2007, at 10:00 a.m.

22 || DATED: 10/17/07

Sandra B Armstrong
JUDGE OF THE U S DISTRICT COURT

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